

Applicant : Brenda K. Drake et al.
Serial No. : 09/938,748
Filed : August 23, 2001
Page : 5 of 7

Attorney's Docket No.: 17539-020001 / STL9836

REMARKS

In the final Office Action mailed July 8, 2004, the Examiner rejected claims 1-5 and 8-12, objected to claims 6, 7 and 13, and allowed claims 14-16. The Examiner indicated that claims 6, 7 and 13 would be allowable if rewritten in independent form. In response, Applicants amend rejected independent claims 1 and 9. As such, claims 1-16 remain pending.

Applicants thank the Examiner for allowing claims 14-16, and respectfully request reconsideration of pending claims 1-13 in view of the amendments and the remarks below.

Claim Rejections 35 U.S.C. § 102 – Claims 1 and 9

The Examiner rejected independent claims 1 and 9 under 35 U.S.C. § 102(b) as being anticipated by Boutaghou et al. Applicants amend these claims to recite more clearly the tab structures of Applicants' invention. These amendments add no new matter, and they find support in the specification at least at page 8, lines 4-21.

Applicants submit that independent claims 1 and 9, as amended, each defines an invention that is patentable over the cited reference.

Specifically, claim 1 has been amended to recite, "each tab has a rounded top edge such that **radial separation** between each tab and an upwardly extending surface of the rim **increases** as the web portion of the disc clamp is being secured to a radially extending surface of the cylindrical motor spindle hub." The cited reference does not teach or suggest this element of amended claim 1.

Similarly, claim 9 now recites "**the radial separation** between the chamfered top edge of each tab and an upwardly extending surface of the motor spindle hub **increases** as the web portion is being secured to the motor spindle hub." The cited reference does not teach or suggest this element of amended claim 9.

Accordingly, Applicants submit that Boutaghou does not anticipate either amended claim 1 or amended claim 9. As such, claim 1 is condition for allowance, as are claims 2-8, which depend either directly or indirectly from claim 1. Moreover, claim 9 is condition for allowance, as are claims 10-13, which depend either directly or indirectly from claim 9.

Claim Rejections 35 U.S.C. § 103 – Claims 4, 5, 11 and 12

The Examiner rejected claims 5 and 12 under 35 U.S.C. § 103 as being unpatentable over Boutaghou in view of Renken, and the Examiner rejected claims 4 and 11 as being unpatentable over Boutaghou in view of Applicant Admitted Prior Art.

In light of the above remarks, the references cited by the Examiner, either alone or in combination, do not teach or suggest each and every element of amended claim 1 or amended claim 9. Because amended claim 1 is patentable over the cited references, Applicants submit that claims 4 and 5, which depend from claim 1, must also be patentable over the cited references. Similarly, because amended claim 9 is patentable over the cited references, Applicants submit that claims 11 and 12, which depend from claim 9, must also be patentable over the cited references. Accordingly, Applicants submit that claims 4, 5, 11 and 12 are in condition for allowance and respectfully request that the Examiner allow these claims.

Conclusion

Applicants submit that claims 1-16 are now in condition for allowance. Accordingly, Applicants respectfully request that the Examiner issue a timely Notice of Allowance in this case for all of claims 1-16.

Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, the arguments made above may not be exhaustive, and there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Brenda K. Drake et al.
Serial No. : 09/938,748
Filed : August 23, 2001
Page : 7 of 7

Attorney's Docket No.: 17539-020001 / STL9836

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Sept. 8, 2004

Craig Thompson
Craig O. Thompson
Reg. No. 47,990

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696

60239295.doc